

5198 MRS/JMK

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DARRYL FARMER,)
)
Plaintiff,)
) No. 10 CV 5055
vs.)
) Honorable Ronald A. Guzman
DR. GWENDOLYN MILES and DR. THOMAS,)
)
Defendants.)

Defendant's Response to Plaintiff's Motion *in Limine*

Defendant responds as follows to plaintiff's Motion *in Limine*:

Plaintiff has filed a Motion *in Limine* in which he argues that because Dr. LaPidus does not work in a prison setting he is unable to show that the absence of complaints in medical/dental records maintained in the prison setting is among the kinds of facts or data on which a dental expert would reasonably rely. Plaintiff offers no distinction between medical and/or dental records maintained in the prison setting versus those maintained in non-prison settings that would account for any difference in their interpretation. Nor does he request any relief in his motion.

Apparently, plaintiff would like this Court to entertain the notion, without evidentiary support, that complaints expressed to healthcare providers in the correctional setting are not documented as a matter of practice. This conflicts with Mr. Farmer's records, which show the recordation of complaints when made, and there is no testimony from a healthcare provider practicing within the IDOC that complaints expressed by inmates to healthcare providers are not recorded. On the contrary, it is anticipated that the only two testifying healthcare providers who worked in the IDOC system – Dr. Thomas and Dr. Fischman – will testify that complaints expressed

by an inmate to a healthcare provider are recorded as a matter of practice; further, that this practice is followed so that the information is not lost to memory and available as historical information for the recording provider or other healthcare providers who may see an inmate.

Patient complaints are recorded in the same fashion in non-correctional settings for the same reasons. As such, the testimony will be that both the presence and absence of recorded complaints in either setting are instructive to healthcare providers (including dentists) reviewing records and reasonably relied upon by them in forming opinions.

Accordingly, the absence of recorded complaints suggests that complaints were not made to a healthcare provider. Dr. LaPidus appropriately relied upon the medical/dental records maintained by the IDOC in forming his opinions in this matter.

WHEREFORE, Defendant, Dr. Thomas, respectfully requests that this Court deny plaintiff's Motion *in Limine*.

DATED: October 31, 2014

Respectfully submitted,

DR. SHERI THOMAS

By: /s/ Joel M. Koppenhoefer
One of the Attorneys for Defendant

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